IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO. 20008 of 1994

Between:

A. Tirupathiraju, S/o. late Venkata Raju,
Dist. Coop.Central Bank, Branch at Veeraghattam,
Srikakulam Dist.

..... PETITIONER

AND

1 General Manager, Dist.Coop.Central Bank Ltd.,
Srikakulam , Srikakulam Dist.
2 Chairman, Dist.Coop.Central Bank Ltd.,
Srikakulam , Srikakulam Dist.
3 Y.Narasingarao,
Coop. Central Bank., Amadalavalasa.
4 V.V.Satyanarayana,
Dist. Coop.Central Bank, Srikakulam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction of the like nature by declaring the impugned proceedings of the Respondent No.1 vide P.No.5/94-95,A1.dt.25-9-94 issued in respect of Respondents 3 &4 in whose favour the promotions were ordered as illegal, without jurisdiction, arbitrary and nonest and consequently direct the Respondent 1 & 2 to promote the petitioner as Assistant General Manager ofn notional basis and award all consequential benefits.

Counsel for the Petitioner: MR.B.NAGESWARA RAO

Counsel for the Respondent Nos.1 and 2: MR.KOKA RAGHAVA RAO SC FOR CENTRAL GOVERNMENT

Counsel for the Respondent Nos.3 and 4: --

The Court made the following:

ORDER:

This writ petition is filed seeking mandamus declaring the proceedings of the 1st respondent in his file No.P.No.5/94-95/A1, dated 25.09.1994, promoting the unofficial respondent Nos.3 and 4 to the post of Assistant General Manager on notional basis, as arbitrary and illegal.

It is the case of the petitioner that he was working as a Manager in the District Cooperative Central Bank, branch at Veeraghattam in Srikakulam District. In the seniority list communicated for the cadre of Manager dated 01.08.1994 his name finds place at serial No.6. He is fully qualified and eligible for being promoted to the post of Assistant General Manager along with other eligible persons. While so, through the impugned proceedings dated 25.09.1994, the unofficial respondent Nos.3 and 4 who are at Serial Nos.7 and 8 in the said seniority list dated 01.08.1994 were promoted, ignoring the seniority of the petitioner, as Assistant General Managers on notional basis and they were also put on regular scale of pay attached to the post.

The impugned order dated 25.09.1994 speaks for itself that the Registrar of Cooperative Societies, Andhra Pradesh has revised staffing pattern of the bank. There after the Board of Management of the Bank constituted a sub-committee for fixing up seniority as on 01.04.1987 and 31.10.1991 under both S.T and L.T channels and also common seniority list as on 01.11.1991. The sub-committee had submitted its recommendations. On the basis of the recommendations, the Board of the Bank had approved the recommendations of the sub-committee and resolved to fill up the vacant posts by giving notional promotions as on 01.04.1987 and 31.10.1991 in the respective S.T and L.T channels with financial benefit from 01.01.1993.

This itself would show that the selection and promotion of the unofficial respondent Nos.3 and 4 was made on the basis of recommendations of a sub-committee constituted for that purpose. It is not denied by the learned counsel for the petitioner

that the post of Assistant General Manager is filled up through a selection process and the seniority alone is not the criteria. Though no counter is filed on behalf of the respondents, absolutely there is no material placed before this Court in support of the claim of the petitioner that he alone is entitled to hold the post of Assistant General Manager and not respondent Nos.3 and 4. It is unfortunate that the petitioner has not questioned the process of selection and the recommendations of the sub-committee. There are no allegations or *mala fides* on the part of the sub-committee recommendations or any other officers of the Bank or the Board, except saying that the petitioner being senior and eligible to hold the post of Assistant General Manager, he was denied the promotion to the post of Assistant General Manager. Once the post of Assistant General Manager is filled up by way of a selection, unless it is shown that the very selection process, adopted, or the recommendations made by the selection committee, are perverse or suffers from any patent irregularities or illegalities, this Court cannot interfere into the impugned order, passed by the authorities.

At the time of filing of the writ petition, the age of the petitioner was shown as 56 years and two years there after the petitioner retired and now it is more than 10 years the writ petition is pending before this Court. For all the above reasons, the writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

Dated: 11.02.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The General Manager,

District Cooperative Central Bank Limited,

Srikakulam, Srikakulam District

2. The Chairman, District Cooperative

Central Bank Limited, Srikakulam

3. Two CD copies

*Form-NIC-OGS/WP{**NS**}*